IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 9591 of 2007(P)

PETITIONER:

MUJEEB RAHIMAN, AGED 32 YEARS,
S/O.MEERAN, MUKKUDAKADAVIL, PALLIPROM KARA,
MUDICKAL, PERUMBAVOOR.

BY ADV. SRI.K.A.JALEEL

RESPONDENTS:

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1. THE PRINCIPAL SECRETARY TO
GOVERNMENT OF KERALA,
REVENUE DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM.

2. KRISHNAN NAMBOOTHIRI,
VILLAGE OFFICER,
MARAMPILLY VILLAGE OFFICE,
ERNAKULAM DISTRICT.

BY GOVT.PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C)NO.9591 of 2007

Dated this the 11th day of April, 2007

JUDGMENT

The petitioner alleges that on the allegation of illegally transporting sand, the second respondent with three others came to the property of the petitioner and manhandled him. The petitioner has already filed a complaint before the concerned Magistrate's Court. In this writ petition, he wants the first respondent to take disciplinary action against the second respondent for which Ext.P1 representation has been filed before the first respondent. I do not think that the petitioner's remedy lies in filing a representation before the first respondent seeking disciplinary action against the second respondent. The first respondent cannot be burdened with such representations. Admittedly, the petitioner has moved the Criminal Court and if the petitioner succeeds in getting the second respondent punished in the criminal case, of course, the authorities would be forced to take note of the same and take disciplinary proceedings

since the second respondent is a government servant. That being so, without prejudice to the right of the petitioner to pursue the criminal complaint filed by him before the Magistrate Court, this writ petition is dismissed.

S.SIRI JAGAN, JUDGE

CSS